

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ADAM E.,

Plaintiff,

v.

CURRY, et al.,

Defendant.

No. 1:22-cv-00936-ADA-GSA (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
CASE, WITHOUT PREJUDICE, FOR
PLAINTIFF'S FAILURE TO COMPLY WITH
COURT ORDER

(ECF No. 4)

Plaintiff Adam E. is a state prisoner proceeding pro se in this civil rights action filed pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

Plaintiff filed his complaint with two other co-plaintiffs on September 29, 2021. (ECF No. 2.) On July 28, 2022, the Magistrate Judge issued an order severing the plaintiffs and requiring each of them to file an amended complaint and either to pay the filing fee or file an application to proceed in forma pauperis. (ECF No. 1.) Plaintiff did not respond to this order.¹

¹ On August 11, 2022, the United States Postmaster returned the order severing the parties and order to file an amended complaint to the Court as undeliverable. The returned mail included the notation, "Undeliverable, Return to Sender, not Deliverable as Addressed." The Court received a similar message when the Postmaster returned the findings and recommendations on September 26, 2022. Plaintiff has not filed notice of a change of address. Pursuant to Local Rule 182(f), "[a]bsent such notice, service of documents at the prior address of the . . . pro se party shall be fully effective."

1 On September 15, 2022, the Magistrate Judge entered findings and recommendations suggesting
2 that this action be dismissed for Plaintiff's failure to comply a court order. (ECF No. 4.) Plaintiff
3 had fourteen days to file objections. That two-week time period has expired, and Plaintiff has not
4 filed objections or otherwise responded to the findings and recommendations.

5 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 304, the
6 Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the
7 court finds that the findings and recommendations are supported by the record and proper
8 analysis.

9 Accordingly,

- 10 1. The findings and recommendations issued September 15, 2022, (ECF No. 4), are
11 adopted, in full;
- 12 2. This action is dismissed, without prejudice, for Plaintiff's failure to comply with
13 the court's order; and
- 14 3. The Clerk of Court is directed to close this case.

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17 IT IS SO ORDERED.

18 Dated: November 2, 2022

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UNITED STATES DISTRICT JUDGE